

BILL ANALYSIS

C.S.H.B. 1846
By: Carter
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many parents are left financially burdened by late or unpaid child support payments. Concerned parties note that the resources allocated to address the collection of child support cost the state a considerable amount of money. Under current law, if a court or agency suspends a license, including a driver's license or occupational license, of a person who has not paid child support, the suspension can be stayed if the individual meets certain requirements, such as making a repayment schedule with the agency. C.S.H.B. 1846 seeks to ensure that individuals failing to pay child support are no longer able to skirt their responsibilities and the legal system by requiring such a person to make a partial payment of the child support owed before a suspended license may be reinstated.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1846 amends the Family Code to prohibit a court or the office of the attorney general from staying an order suspending a business, professional, occupational, recreational, or driver's license for failure to pay child support conditioned on the individual's compliance with a reasonable payment schedule that is incorporated into the order unless the individual makes an immediate partial child support payment in an amount specified by a court or office of the attorney general that is not less than \$200. The bill includes among the conditions under which a licensing authority may accept an application for issuance of a license or renewal of an existing license, after receiving notice that the person has failed to pay child support for a certain period of time, that the authority be notified by the child support agency that an obligor made an immediate payment of not less than \$200 toward child support arrearages owed in addition to establishing a satisfactory payment schedule with the agency for the remainder.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1846 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED		HOUSE COMMITTEE SUBSTITUTE	
SECTION 1.	Section 232.008, Family	SECTION 1.	Section 232.008, Family

Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsection (b-1), the [The] court or Title IV-D agency may stay an order suspending a license conditioned on the individual's compliance with:

- (1) a reasonable repayment schedule that is incorporated in the order;
- (2) the requirements of a reissued and delivered subpoena; or
- (3) the requirements of any court order pertaining to the possession of or access to a child.

(b-1) The court or Title IV-D agency may not stay an order under Subsection (b)(1) unless the individual makes an immediate partial payment in an amount specified by the court or Title IV-D agency. The amount specified may not be:

- (1) less than \$200; or
- (2) greater than 20 percent of the total arrearages owed.

SECTION 2. Section 232.0135(b), Family Code, is amended.

SECTION 3. (a) Section 232.008(b-1), Family Code, as added by this Act, applies only to an order suspending a license that is rendered on or after the effective date of this Act. An order suspending a license rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

(b) Section 232.0135(b), Family Code, as amended by this Act, applies only to a notice provided under Section 232.0135(a), Family Code, on or after the effective date of this Act. A notice provided under Section 232.0135(a), Family Code, before the effective date of this Act is governed by the law in effect on the date the notice was provided, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsection (b-1), the [The] court or Title IV-D agency may stay an order suspending a license conditioned on the individual's compliance with:

- (1) a reasonable repayment schedule that is incorporated in the order;
- (2) the requirements of a reissued and delivered subpoena; or
- (3) the requirements of any court order pertaining to the possession of or access to a child.

(b-1) The court or Title IV-D agency may not stay an order under Subsection (b)(1) unless the individual makes an immediate partial payment in an amount specified by the court or Title IV-D agency. The amount specified may not be less than \$200.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.